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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/078,853	05/14/1998	YASUSHI TAKAHASHI	450100-4486	7718
20999	7590	07/27/2004	EXAMINER	
FROMMER LAWRENCE & HAUG 745 FIFTH AVENUE- 10TH FL. NEW YORK, NY 10151			BROWN, RUEBEN M	
			ART UNIT	PAPER NUMBER
			2611	17

DATE MAILED: 07/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/078,853

Applicant(s)

TAKAHASHI ET AL.

Examiner

Reuben M. Brown

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 May 0200.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,4,7,9,10 and 14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 1,4,7,9,10 & 14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 5/27/2004 has been entered.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, 4, 7, 9-10 & 14 are rejected under 35 U.S.C. 102(e) as being anticipated by Herz, (U.S. Pat # 5,758,257).

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Considering claim 1, the amended claimed information retrieval method comprising the steps of forming a general user model based upon statistical data obtained by audience research on the actions of a plurality of users, reads on the use of demographic data discussed in Herz when generating an initial customer profile, see col. 11, lines 61-67; col. 38, lines 18-25. The further claimed initial user model forming a user specific model based upon the general user model and a user profile, is met by Herz, col. 4, lines 32-55, which teaches that the initial customer profile may include demographic data, as well as a profile based upon user feedback data. Furthermore, Herz discusses adjusting the customer profile, (col. 13, lines 55-67; col. 14, lines 48-55 & col. 22, lines 56-67).

The additionally claimed feature of forming a study user model based upon the initial user model and information selection history of the specific user is consistent with the teachings of Herz, see col. 29, lines 45-65; col. 30, lines 1-10 & col. 33, lines 12-21. Herz is directed to updating a customer's profile based upon the programs that are actually watched, col. 6, lines 35-60. The teachings of Herz, with respect to the agreement matrix, which utilizes an adjusted customer profile to generate and present a list of programs that the customer might likely desire, reads on the further claimed feature of retrieving information suiting the specific user based upon the study user model, see col. 19, lines 5-14; col. 40, lines 32-65.

As for the additionally amended claimed feature of the statistical data including viewing time for the users, Herz teaches that the window for viewing programming is expressed in the

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calculations as a pair of time variables 'l' and 'u', which represent starting point and ending point of a window, respectively. It is further disclosed that Customer Profiles used in accordance with the preferred embodiment of Herz, incorporates this concept of time and moods in video scheduling; see col. 17, lines 35-50.

The further claimed feature of calculating genre taste value based on time data of a request for EPG also reads on the above disclosure of Herz, of including the time of day for watching programming within the customer profile; also see col. 18, lines 1-35

Applicant further amends the claim; reciting rearranging and displaying the EPG based on a genre priority table formed using the retrieved information and the calculated genre taste value. The claimed genre priority table reads on the tables shown on col. 21, lines 15-45, which first shows the content profiles of programs, and then the value, i.e. priority of the sample genre to specific customers. For instance the three-sample genre of programming (romance, high-tech & violence) have priority values of .166, .425 & .409, respectively for John. The instant sample genre has priority values of .292, .192 & .516, respectively for Mary.

Finally, col. 21, lines 55-67 shows the calculations for the agreement matrix for particular programs 1-10, as such Herz uses the calculated information to generate the list of recommended programs discussed above; again see col. 45, lines 34-55. It is disclosed that the EPG may be modified to include fields for the "virtual" channels, which reads on the claimed 'rearranging and displaying'.

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Regarding the amended claimed feature that the general user taste data is dispersed data, the claimed feature reads on the discussion in Herz, that the agreement matrix is made up of a plurality of factors, see col. 10, lines 21-60 & col. 16, lines 19-65. The further claimed feature of the dispersed data including time related is met by the inclusion of Customer Moods & Time Windows, col. 17, lines 25-67.

The further claimed feature of the time related data being interpolated into continuous data by an interpolation method specified by an identification key, reads on the time/mood information being incorporated into the agreement matrix, col. 18, lines 6-35. The identification key is broad enough to read on the value $\{ f(l_i, u_i, l_f, u_j) \}$, which expresses the customer's dissatisfaction due to any (or no) mismatch between the time window of the customer mood (i) and the broadcast time of the program (j). Herz goes on to discuss how the function (f) changes as the mood window gets closer to or further away from the broadcast time, col. 18, lines 36-67.

Considering claim 4, the claimed features including general user selection taste data, which reads on cluster profiles, and being converted to disperse data reads on generating individual user profiles in the disclosure of Herz, which teaches that the general profile is developed from a combination of demographic and user selection data from a range of customers, (col. 9, lines 61-65; col. 11, lines 45-67; col. 22, lines 56-65; col. 24, lines 45-55).

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The dispersed data being interpolated to calculate the continuous data reads on the Herz collecting dispersed individual profiles and generating the group profiles, col. 24, lines 45-55; col. 30, lines 1-48, which involves interpolation.

Moreover, in Herz the various individual customer and cluster profiles are inherently stored in the system.

Considering claim 7, the claimed information retrieval apparatus comprises elements, which correspond with subject matter, mentioned above in the rejection of claim 1, and are likewise rejected. Also see Herz, col. 24, lines 45-55; col. 30, lines 1-65.

Considering claim 9, the agreement matrix of Herz is a continuous data function, and the initial user model interpolates the dispersed data, by a predetermined interpolation method to calculate the continuous data. The predetermined interpolation method reads on the formula used to calculate the agreement matrix, see col. 19.

Considering claims 10 & 14, the claimed storing means reads on the memory of Herz that stores the software that runs the system, col. 42, lines 44-64; col. 40, lines 55-61. As for claim 14, the claimed rewriting means for rewriting the general user selection taste data of the storing means onto another storing means, reads on the disclosure of transmitting the user selection information from the set top box to the headend, col. 41, lines 20-67.

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Any response to this action should be mailed to:

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or faxed to:

(703) 872-9314, (for formal communications intended for entry)

Or:

(703) 746-6861 (for informal or draft communications, please label
"PROPOSED" or "DRAFT")

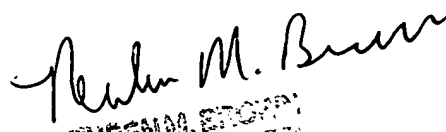
*Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington,
VA., Sixth Floor (Receptionist).*

Any inquiry concerning this communication or earlier communications from the
examiner should be directed to Reuben M. Brown whose telephone number is (703) 305-2399.
The examiner can normally be reached on M-F (8:30-6:00), First Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's
supervisor, Grant Christopher can be reached on (703) 305-4755. The fax phone numbers for the
organization where this application or proceeding is assigned is (703) 872-9314 for regular
communications and After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding
should be directed to the receptionist whose telephone number is (703) 305-4700.

Reuben M. Brown


REUBEN M. BROWN
PATENT EXAMINER